STATUTORY INSTRUMENTS

1977 No. 1141

SOCIAL SECURITY

The Supplementary Benefits (General) Regulations 1977

Made - - - -	*8th July* 1977
Laid before Parliament	*8th July* 1977
Coming into Operation	*29th July* 1977

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 2(2), 5, 6(2) and 14(1) and (2) of, and paragraph 21 of Schedule 1 to the Supplementary Benefits Act 1976(**a**), (as amended in the case of the said section 2(2) by section 14(4) of the Social Security (Miscellaneous Provisions) Act 1977(**b**)), and section 18 of the Social Security (Miscellaneous Provisions) Act 1977, and of all other powers enabling him in that behalf, and with the consent of the Treasury so far as it relates to the powers conferred by section 2(2) of the said Act of 1976, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefits (General) Regulations 1977 and shall come into operation on 29th July 1977.

(2) In these regulations, unless the context otherwise requires—

"the Act" means the Supplementary Benefits Act 1976;

"allowance" means a supplementary allowance;

"Appeal Tribunal" means an Appeal Tribunal constituted in accordance with the provisions of Schedule 4 to the Act;

"claimant" means a person who has claimed benefit;

"the Commission" means the Supplementary Benefits Commission;

"pension" means a supplementary pension;

and other expressions have the same meanings as in the Act.

(3) Unless the context otherwise requires, any reference in these regulations to—

(*a*) a numbered regulation is a reference to the regulation bearing that number in these regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number;

(*b*) any provision made by or contained in any enactment or instrument shall be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which it re-enacts or replaces, or which may re-enact or replace it with or without modification.

(**a**) 1976 c. 71. (**b**) 1977 c. 5.

(4) Any notice or other document required or authorised to be given or sent to any person under the provisions of these regulations shall be deemed to have been given or sent if it was sent by post to that person at his ordinary or last known address.

(5) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**a**) shall apply in relation to this instrument and in relation to the revocations effected by it as if this instrument, the regulations revoked by it and any regulations revoked by the regulations so revoked were Acts of Parliament, and as if each revocation were a repeal.

Revocations

2. The regulations specified in the Schedule hereto are hereby revoked.

Persons in full-time employment

3. Section 6(1) of the Act (exclusion of persons in full-time employment) shall not apply to a person becoming engaged in remunerative full-time work until the expiration of a period of 15 days from the beginning of the engagement.

Registration for employment

4.—(1) Where the Commission determine under section 5 of the Act that the right of any person to an allowance shall be subject to the condition that he is registered for employment, he shall, except where the Secretary of State decides otherwise, be so registered in the following manner—

(*a*) by registering with the Employment Service Agency or a local education authority; and

(*b*) by attending at an unemployment benefit office on such occasions and in such manner as he would be required to attend if he were claiming unemployment benefit under the Social Security Act 1975(**b**) and there signing a form approved by the Secretary of State and including a declaration as to his unemployment and ability and willingness to do any suitable work.

(2) For the purposes of this regulation—

"local education authority", in relation to Scotland, means an education authority as defined in section 145(16) of the Education (Scotland) Act 1962(**c**);

"unemployment benefit office" means any office or place appointed by the Secretary of State for the purpose of claiming unemployment benefit.

Net weekly earnings

5.—(1) For the purposes of Schedule 1 to the Act a person's net weekly earnings shall be the net remuneration or profit, calculated on a weekly basis, derived by him from any occupation or occupations and, in particular, in so far as the earnings consist of salary or wages, there shall be deducted—

(*a*) any sum the deduction of which from salary or wages is authorised by statute; and

(**a**) 1889 c. 63. (**b**) 1975 c. 14. (**c**) 1962 c. 47.

(*b*) any expenses reasonably incurred by him in connection with his employment.

(2) Where the actual earnings of a person for a week are not immediately ascertainable for the purposes of calculating his net weekly earnings under paragraph (1), his net weekly earnings shall be estimated on the basis of such information as he is able to supply and such other relevant information as is available.

Certain sums to be earnings

6. For the purposes of the Act, any such sum as is referred to in section 18(2) of the Social Security (Miscellaneous Provisions) Act 1977(**a**) (certain sums payable under the Employment Protection Act 1975(**b**) to be earnings for social security purposes) shall be deemed to be earnings of the person entitled to receive such sum in respect of the period to which it relates.

Fractional amounts of requirements and resources

7. Where a person's requirements or resources taken into consideration under Schedule 1 to the Act include a fraction of a penny, that fraction shall be treated as a penny if it relates to requirements and shall be disregarded if it relates to resources.

Duration of awards of pensions and allowances

8.—(1) The Commission or an Appeal Tribunal may award a pension or allowance at a weekly rate—

(*a*) for a specified period consisting of a week or of a number of weeks; or

(*b*) for an indefinite period.

(2) Notwithstanding paragraph (1), the Commission or an Appeal Tribunal may in any particular case or class of cases award a pension or allowance for a specified period which is not a week or a multiple of a week.

Review of determinations made by the Commission or an Appeal Tribunal

9.—(1) Subject to the provisions of paragraph (2), a determination made by the Commission or by an Appeal Tribunal on the right to or amount of pension or allowance in respect of any period may be reviewed by the Commission if—

(*a*) the Commission are satisfied that the determination was made in ignorance of, or was based on a mistake as to, some material fact; or

(*b*) there has been any relevant change of circumstances since the determination was made and the determination on review would result in—

(i) an increase in the amount of pension or allowance payable, or

(ii) except where payment of sums on account of a pension or allowance is made by a book of a series of orders, any decrease in the amount of pension or allowance payable, or

(**a**) 1977 c. 5. (**b**) 1975 c. 71.

(iii) a decrease of not less than 50p in the amount of pension or allowance payable where payment of sums on account of that pension or allowance is made by a book of a series of orders.

(2) Where a review under paragraph (1) arises from a material fact or relevant change of circumstances of which a claimant was aware but of which he previously failed to furnish information to the Secretary of State, then if that review would result in an increase in the amount of pension or allowance payable, that increase shall not be payable from a date earlier than 52 weeks before the week in which the claimant first furnished that information.

(3) A determination made by the Commission or by an Appeal Tribunal on any of the following matters—

(*a*) the issue of benefit to a person other than the claimant;

(*b*) the imposition of a condition under section 5 of the Act;

(*c*) the provision of goods or services instead of the whole or part of any payment;

may be reviewed by the Commission in respect of such period as the Commission may determine having regard to the circumstances of the case if—

(i) there has been any relevant change of circumstances since the original determination was made, or

(ii) the Commission are satisfied that the determination was made in ignorance of, or was based on a mistake as to, some material fact.

(4) A determination made by the Commission or by an Appeal Tribunal on any of the following matters—

(*a*) the recovery of the whole or part of any sums paid by virtue of section 4 of the Act;

(*b*) the amount of any excess mentioned in section 12 of the Act;

(*c*) the right to or amount of benefit under section 3 of the Act;

may be reviewed by the Commission if—

(i) the Commission are satisfied that the determination was made in ignorance of, or was based on a mistake as to, some material fact, or

(ii) in the case of sub-paragraphs (*a*) and (*c*) of this paragraph there has been any relevant change of circumstances since the original determination was made.

(5) Any determination made by the Commission on a matter specified in the preceding paragraphs of this regulation may be reviewed by them if they are satisfied that it was based on a mistake as to the law but any such review shall not be made in respect of a period of more than 52 weeks before the date on which a claimant requested or the date on which the Commission made the review, whichever is the earlier.

(6) A determination made by the Commission or by an Appeal Tribunal may be reviewed by the Commission for the sole purpose of giving effect to any change in—

(*a*) the amounts specified in Part II of Schedule 1 to the Act (which relates to requirements); or

(*b*) the sums prescribed for the purposes of subsections (3) and (4) of section 22 of the National Assistance Act 1948(**a**) (which relates to persons in accommodation under Part III of the Act); or

(*c*) the appropriate amount for the purpose of paragraph 14 or 15 of that Schedule (which relate to persons in hospital and persons paying for board and lodging) in consequence of any other change mentioned in this paragraph; or

(*d*) the rates of any payments referred to in paragraph 23(2)(*a*), (*b*), (*c*) and (*e*), 23(3) to (9) or 24 of that Schedule (which relate to resources derived from social security benefits, certain pensions and other payments);

but any such change shall be deemed not to be a change of circumstances for the purpose of paragraph (1).

Review of determinations involving reductions under paragraph 9 of Schedule 1 to the Act

10. Where under paragraph 9 of Schedule 1 to the Act (persons disqualified for unemployment benefit) the amount applicable to a person's requirements under paragraph 7 or 8 of that Schedule has been reduced for any period and on final determination of the question of his right to unemployment benefit under the Social Security Act 1975(**b**), or of a question under section 98(1)(*c*) of that Act whether a person would have been disqualified if otherwise entitled to unemployment benefit—

(*a*) disqualification under section 20(1) of the Social Security Act 1975 (disqualification by reference to conduct resulting in unemployment or conducing to its continuance) is not imposed or would not have been imposed; or

(*b*) the period of such disqualification or notional disqualification is shorter than the period of reduction under the said paragraph 9;

the allowance determination imposing the reduction under the said paragraph 9 may be reviewed by the Commission.

Date of commencement, change and termination of entitlement to pensions and allowances

11.—(1) Where apart from the provisions of this regulation—

(*a*) the day of the week on which a person's entitlement to a pension or allowance would begin is not the first day of a benefit week, entitlement to that pension or allowance shall not begin until the first day of the next benefit week;

(*b*) the day of the week on which a change in the amount of a person's pension or allowance (made on a review by the determining authority under regulation 9 or 10) would take effect is not the first day of a benefit week, that change shall take effect—

(i) if the review is made under regulation 9(6), from the first day of the next benefit week, and

(**a**) 1948 c. 29. (**b**) 1975 c. 14.

(ii) in any other case, from the first day of either that benefit week or of the next benefit week as the determining authority in its discretion determines; and

(*c*) the day on which a person's entitlement to a pension or an allowance would end is not the last day of a benefit week, entitlement to that pension or allowance shall continue until (and including) that day.

(2) In this regulation—

(*a*) "benefit week" in relation to a person entitled to a pension or allowance means—

(i) where the person is in receipt of unemployment benefit, the period of 7 days beginning with the day of the week on which that benefit is payable,

(ii) where the person is not in receipt of unemployment benefit but is subject to the condition of registration for employment under section 5 of the Act, the period of 7 days beginning with the day of the week on which, if he had been in receipt, unemployment benefit would have been payable,

(iii) where the person is also in receipt of a social security benefit, other than unemployment benefit, and head (ii) above does not apply, the period of 7 days beginning with the day on which that benefit is payable or, if such benefits are payable to that person on more than one day of the week, on such one of those days as the determining authority shall determine,

(iv) where none of heads (i) to (iii) above applies, the period of 7 days beginning on Monday, or

(v) where the determining authority so determines in any particular case or class of cases, the period of 7 days beginning on some day of the week other than that which would otherwise be applicable under heads (i) to (iv) above;

(*b*) "determining authority" means as the case may require, the Commission or the Appeal Tribunal;

(*c*) the "Social Security Regulations" means the Social Security (Claims and Payments) Regulations 1975(**a**), as amended(**b**);

(*d*) "social security benefit" means any of the following benefits which is being paid weekly by means of a book of a series of orders or by giro order—

(i) unemployment benefit,

(ii) widow's benefit,

(iii) benefit which by virtue of section 39(4) of the Social Security Act 1975 corresponds to a widow's pension or a widowed mother's allowance,

(iv) retirement pension of any category,

(v) any other benefit payment of which falls to be made under regulations 14 to 17 of the Social Security Regulations (time and

(**a**) S.I. 1975/560 (1975 I, p. 2014).
(**b**) The relevant amending instruments are S.I. 1975/1058, 1976/409, 1736 (1975 II, p. 3691; 1976 I, p. 1087; III, p. 4596).

manner of payment of certain benefits) and which is paid through an office of the Department at which the Secretary of State has made arrangements for joint payment of that benefit and of a pension or allowance where they are paid on the same day of the week,

but excluding, in relation to benefit within head (iv) above and to any Category C or D retirement pension within head (v) above, any case in which payment falls to be made, in accordance with regulation 19 of the Social Security Regulations (time of payment of such benefits to those in receipt of supplementary benefit), on the day on which the pension or allowance is paid;

(*e*) references to the day on which a social security benefit is payable are to the day on which it is payable under regulations 14 to 17 of the Social Security Regulations except that in the case of a benefit payable under regulation 14 of those regulations such references are to—

(i) in the case of unemployment benefit, the day of the week following the day on which a giro order in payment of the benefit would normally be posted,

(ii) in the case of any such benefit, other than unemployment benefit, which is being paid by means of a series of orders, the day of the week which is the due date specified for payment in the relevant order, and

(iii) in the case of any such benefit, other than unemployment benefit, which is being paid by means of a giro order, the day of the week on which the giro order would normally be posted.

(3) This regulation shall not apply where a pension or allowance is awarded, under regulation 8(2), for a specified period which is not a week or a multiple of a week.

Notice of decisions

12.—(1) This regulation applies to the following decisions of the Commission—

(*a*) a determination made by the Commission on any claim;

(*b*) a determination made by the Commission on a review under regulation 9 or 10;

(*c*) a refusal by the Commission to review a determination under regulation 9 or 10.

(2) Subject to paragraphs (3) and (4), notice of any decision to which this regulation applies shall be given or sent to the claimant in writing.

(3) Where the determination concerned relates to the making of or refusal to make a cash payment in respect of benefit other than a pension, the notice required by paragraph (2) may be given to the claimant orally unless he requests that it be in writing.

(4) Where the Commission determine that the claimant is entitled to benefit of an amount which, when added to some other payment, if any, payable by the Secretary of State, will amount to a stated sum, notice of that sum shall be notice for the purposes of this regulation.

Signed by authority of the Secretary of State for Social Services.

Stanley Orme,

Minister for Social Security,
Department of Health and Social Security.

7th July 1977.

We consent.

J. Dormand,

T. E. Graham,

Two of the Lords Commissioners of
Her Majesty's Treasury.

8th July 1977.

Regulation 2

SCHEDULE

Revocations

Regulations revoked	References
The Supplementary Benefit (General) Regulations 1966	S.I. 1966/1065 (1966 II, p. 2614)
The Supplementary Benefit (General) Amendment Regulations 1967	S.I. 1967/1045 (1967 II, p. 3134)
The Supplementary Benefit (General) Amendment Regulations 1969	S.I. 1969/294 (1969 I, p. 802)
The Supplementary Benefit (Decimalisation of the Currency) Regulations 1970	S.I. 1970/1784 (1970 III, p. 5793)
The Supplementary Benefit (General) Amendment Regulations 1971	S.I. 1971/1549 (1971 III, p. 4361)
The Supplementary Benefit (General) Amendment Regulations 1972	S.I. 1972/330 (1972 I, p. 1356)
The Supplementary Benefit (General) Amendment (No. 2) Regulations 1972	S.I. 1972/1493 (1972 III, p. 4401)
The Supplementary Benefit (General) Amendment Regulations 1974	S.I. 1974/1416 (1974 II, p. 5528)
The Supplementary Benefit (General) Amendment Regulations 1975	S.I. 1975/1335 (1975 II, p. 4539)
The Supplementary Benefit (General) Amendment Regulations 1977	S.I. 1977/621 (1977 I, p. 1945)

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which make general provisions for the purposes of the Supplementary Benefits Act 1976, consolidate, with amendments, the regulations relating to supplementary benefit made under the Supplementary Benefit Act 1966 (c. 20) (enacted as the Ministry of Social Security Act 1966). The Regulations provide—

(1) that the period for which a person is not excluded from benefit under the Act after he has commenced full-time employment is to be 15 days (Regulation 3);

(2) the manner in which a person is to register for employment where required to do so as a condition for an award of benefit (Regulation 4);

(3) the manner in which a person's net weekly earnings are to be calculated (Regulation 5);

(4) that for the purposes of the Act, any of certain sums payable under the Employment Protection Act 1975 shall be deemed to be earnings of a person entitled to receive such sum in respect of the period to which it relates (Regulation 6);

(5) that a fraction of a penny shall be treated as a penny where it relates to a person's requirements and disregarded where it relates to his resources (Regulation 7);

(6) the period for which a pension or allowance may be awarded to a person and the date on which entitlement to such a pension or allowance shall commence, change and end (Regulations 8 and 11);

(7) the circumstances in which determinations under the Act may be reviewed (Regulations 9 and 10);

(8) the manner in which decisions of the Commission shall be notified (Regulation 12).

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